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JUL 17 2006

OFFICE OF PETITIONS

In re Application of :
Barton : DECISION ON PETITION
Application No. 09/557,822 :
Filed: April 25, 2000 :
Docket No.: 2799CIP :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed June 5, 2006.

This application was held abandoned April 14, 2006 for failure to timely submit an appeal brief within two months of the Notice of Appeal submitted February 13, 2006. Notice of Abandonment was mailed May 25, 2006.

Petitioners assert that the Notice of Abandonment was mailed in error because the period of time for submission of the appeal brief is extendable. In accordance with 37 CFR 41.37, the period of time for submission of the appeal brief is extendible pursuant to 37 CFR 1.136. In view thereof, the Notice of Abandonment was prematurely issued.

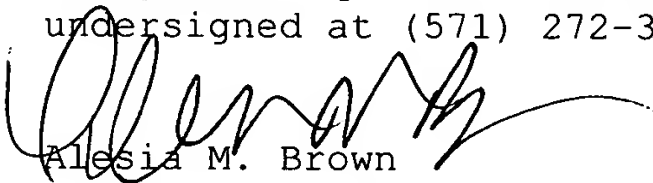
The period of time for submission of the appeal brief remains two months from the date of submission of the Notice of Appeal, subject to extension pursuant to 37 CFR 41.37 and 37 CFR 1.136.

In view of the evidence presented, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

The application file is being forwarded to Technology Center 3700 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.


Alessia M. Brown
Petitions Attorney
Office of Petitions